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SPIRIT AIRLINES, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ROBYN COVINO,

Plaintiff,

vs.

SPIRIT AIRLINES, INC.

Defendant.

Case No.: 2:20-cv-01039-GMN-NJK

**SPIRIT AIRLINES, INC.'S MOTION  
TO EXTEND THE REMAINING PRE-  
TRIAL DEADLINES AND  
~~[PROPOSED]~~ ORDER**

Defendant Spirit Airlines, Inc. (hereinafter, "Spirit"), by and through its attorneys of record, hereby submits its motion to extend the remaining pre-trial deadlines and [proposed] order in this matter as follows:

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Introduction**

3 Spirit respectfully submits there is good cause to extend the current deadlines to file  
4 dispositive motions and to submit a pre-trial order and disclosures in this matter by forty-five  
5 (45) days, pending the Court's ruling on Spirit's motion for judgment on the pleadings and the  
6 motion to compel further discovery from plaintiff.

7 This motion is brought at least twenty-one (21) days before the expiration of the first  
8 deadline that is the subject of this motion as required under Local Rule 26-4.

9 **II. Legal Standard**

10 The Local Rules, in pertinent part, state as follows:

11 A motion or stipulation to extend any date set by the discovery  
12 plan, scheduling order, or other order must, in addition to  
13 satisfying the requirements of LR IA 6-1, be supported by a  
14 showing of good cause for the extension. A motion or stipulation  
to extend a deadline set forth in a discovery plan must be received  
by the court no later than 21 days before the expiration of the  
subject deadline ....

15 L.R. 26-4.

16 **III. Argument**

17 Spirit respectfully requests the Court to grant this motion to extend the deadline to file  
18 dispositive motions and to submit a pre-trial order and disclosures in this matter by forty-five  
19 (45) days. The current deadlines are July 19, 2021 and August 19, 2021, respectively.

20 There is good cause to grant this extension, because Spirit is awaiting the ruling on its  
21 motion for judgment on the pleadings, which was filed on September 22, 2020 (*see* dkt. 19). If  
22 the Court rules in Spirit's favor without leave to amend, then this lawsuit will be concluded.  
23 However, should plaintiff be afforded an opportunity to amend her complaint, plaintiff will need  
24 time to file an amended complaint, and Spirit will need time to respond to it, potentially with a  
25 renewed motion for judgment on the pleadings or a motion for summary judgment. Because  
26 Spirit cannot anticipate the outcome of the motion for judgment on the pleadings that is currently  
27 pending with the Court, and cannot file a second dispositive motion prematurely, an extension of  
28

1 the deadline to file dispositive motions is warranted. Additionally, Spirit's motion to compel  
2 plaintiff to provide further discovery responses and initial disclosures is pending with the Court,  
3 and should Spirit prevail, plaintiff will likely need additional time to comply with the Court's  
4 ruling (*see* dkt. 43).

5 **IV. Conclusion**

6 Due to the foregoing, Spirit requests that the Court grant an extension of the remaining  
7 pre-trial deadlines to the following dates:

- 8 1. Last date to file dispositive motions: September 2, 2021  
9 2. Last date to submit pre-trial order and disclosures: October 3, 2021  
10

11 Dated: June 28, 2021

Respectfully submitted,

13 By /s/ Jonathan W. Carlson

14 Richard A. Lazenby

Michael Cutler

VICTOR RANE

-and-

Jonathan W. Carlson

MCCORMICK BARSTOW, LLP

Attorneys for Defendant

SPIRIT AIRLINES, INC.

19 IT IS SO ORDERED.

20 Dated: June 29, 2021

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23   
Nancy J. Koppe

United States Magistrate Judge